

Laws and Citations Concerning Site Information Dissemination

Compiled October 1991

COLORADO STATE LAWS

24-72-203 Public records open to inspection.

(1) All public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise provided by law, but the official custodian of any public records may make such rules and regulations with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

24-72-204 Allowance or denial of inspection - grounds - procedure - appeal.

(1) The custodian of any public records shall allow any person the right of inspection of such records or any portion thereof except on one or more of the following grounds or as provided in subsection (2) or (3) of this section:

(a) Such inspection would be contrary to any state statute.

(b) Such inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law.

(c) Such inspection is prohibited by rules promulgated by the Supreme Court or by the order of any court.

(2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest.

(I) DOES NOT PERTAIN

(II) DOES NOT PERTAIN

(III) The specific details of bona fide research projects being conducted by a state institution;

(IV) DOES NOT PERTAIN

(b) If the right of inspection of any record falling within any of the classifications listed in this subsection (2) is allowed to any officer or employee of any newspaper, radio station, television station, or other person or agency in the business of public dissemination of news or current events, it shall be allowed to all such news media.

(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law, except that any of the following records,

other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(I) DOES NOT PERTAIN

(II) DOES NOT PERTAIN

(III) DOES NOT PERTAIN

(IV) Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person

(V) Library and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of such contributions;

Historical, Prehistorical, and Archaeological Resources

24-80-405

(2) The duties of the state archaeologist are to fulfill the objectives of this part 4 and, together with other employees of the society, to work for the maximum beneficial conservation of the archaeological resources of the state of Colorado and the acquisition and dissemination of knowledge pertaining to archaeology.

24-80-406

(2) (a) The investigations, excavations, gatherings, and removals shall be undertaken only for the benefit of reputable museums, universities, colleges, and other recognized scientific or educational institutions, with a view to increasing the knowledge of such resources; and such activities shall be conducted for permanent preservation, either on the site or in museums, open to the public and available to qualified students.

FEDERAL LAWS

National Historic Preservation Act - Section 304

The head of any federal agency, after consultation with the Secretary of the Interior, shall withhold from disclosure to the public information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.

Archaeological Resources Protection Act 1979 - Section 9(a)

Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or any other provision of Federal law may not be made available to the public under subchapter II of Chapter 5 of title 5 of the United States Code or under any other provision of the law unless the Federal land manager concerned determines that such disclosure would further the purposes of this Act or the Act of June 27, 1960 (16 U.S.C. 469-469c) and not create a risk of harm to such resources or to the site at which such resources are located.

Freedom of Information Act - Section 552 (b)

This section does not apply to matters that are-

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute

(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue,

(B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

Other

"The authority to restrict information about historic and archaeological resources applies to inventories that receive Federal assistance under the authority of the NHPA or Executive Order 11593. Such inventories include the survey and inventory data of all State Historic Preservation Offices, Federal agencies, and Certified Local Governments."

